vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3050 OF 2006

Shri Ravindra Khanderao Dere ... Petitioner

V/s.

Satara Sahakari Sakhar Karkhana Ltd. ... Respondent

Mr.M.R. Deshpande for Petitioner
Mr.S.S. Pakale for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 26, 2007**

P.C.:

. The Petitioner has challenged the order of the Industrial Court in revision and the Labour Court in Complaint (ULP) No.260 of 1990 denying him backwages on his reinstatement in service. The Petitioner had been terminated from service w.e.f. 28.7.1990. He was chargesheeted for remaining absent from 8.2.1990 to 3.5.1990. An enquiry was held against him consequent upno which his services were terminated. The Labour Court has found that the punishment of dismissal was shockingly disproportionate and has therefore, granted reinstatement. However, the Labour Court was of the view that the Petitioner ought to be denied the backwages. Aggrieved by this order, a revision application was filed by the petitioner. The revision application has also been dismissed.

2. In my view, there is no need to differ from the view taken by the Courts below. The Petition is therefore dismissed.

3. Mr.Pakale, appearing for the Respondent, states that the Petitioner has been reinstated. However, he is unable to state the date from which the Petitioner has been reinstated by the Respondent. It is made clear that the Petitioner would in any event be entitled to wages from the date the Labour Court held he was entitled to be reinstated, although in fact the respondent may have reinstated the Petitioner much later.